

REMARKS**I. INTRODUCTION**

Claims 1 and 11 were amended. Claim 3 was cancelled in a previous amendment. No new matter has been added. Thus, claims 1-2 and 4-14 are pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 2, 4-8, and 11-14 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Appl. No. 2004/0034319 to Anderson et al. (“Anderson”) in view of U.S. Patent Appl. No. 2003/0065314 (hereinafter “Altshuler ‘314”). The Examiner also cites Laser Hair Removal, by Richard J. Ort and Christine Dierickx, Seminars in Cutaneous Medicine and Surgery, Volume 21, Issue 2, June 2002, pp. 129-144 (hereinafter “Ort I”), Optical Hair Removal, by Richard J. Ort and R. Rox Anderson, Seminars in Cutaneous Medicine and Surgery, Volume 18, Issue 2, June 1999, pp. 149-158 (hereinafter “Ort II”), and Methods of Hair Removal, by Elise A. Olsen, Journal of the American Academy of Dermatology, Vol 40, Issue 2, February 1999, pp. 143-155 (hereinafter “Olsen”) to purportedly show subject matter that is known in the art. (See 01/09/2009 Office Action p. 2-3).

Claim 1 recites “A device for reducing growth of hairs on human skin, which device comprises a source of electromagnetic radiation that emits in a wavelength range between 550 and 1200 nm, characterized in that the device comprises control means for limiting the deliverable energy density of the radiation on the skin to a maximum value between 1 and 12 J/cm², wherein, during operation, the control means selects the maximum value in accordance with selected properties of the skin to be treated, selected properties being being determined by a sensor measuring a reflection from the skin of the emitted radiation.”

The Examiner has acknowledged that Anderson does not teach a “control means that selects the treatment values based on skin type.” (See 01/09/2009 Office Action p. 3). However, the Examiner asserts that Altshuler ‘314 teaches a system “for treating tissue with electromagnetic radiation … that provides an indication of skin type for the patient, which indication can be used to control the radiation applied.” (See 01/09/2009 Office Action p. 3). Applicants respectfully disagree.

Altshuler ‘314 describes a photocosmetic device which can be used for a variety of tissue treatments. (See Altshuler ‘314 Abstract). Altshuler ‘314 describes embodiments where a sensor 124 detects the heating of melanin in the epidermis to provide an indication of skin type.” (See Altshuler ‘314 [0058]). Altshuler ‘950 does not describe a “control means selects the maximum value in accordance with selected properties of the skin to be treated, selected properties *being determined by a sensor measuring a reflection from the skin of the emitted radiation.*” as recited in claim 1.

Thus, Applicants respectfully submit that claim 1 is patentable over Anderson in view of Altshuler ‘950, in further view of Ort I, Ort II, and Olsen. Because claims 2 and 4-8 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Claim 11 has been amended to recite, “A method for reducing growth of hairs on human skin, comprising delivering at least one pulse of electromagnetic radiation to the skin, wherein a wavelength spectrum of the electromagnetic radiation is selected between 550 and 1200 nm, characterized in that an energy density of the electromagnetic radiation delivered to the skin is selected between 1 and 12 J/cm², wherein a duration of the pulse is between 1 and 100 ms, such that anagen follicles of said hairs are induced to a resting phase in their growth cycle, thereby substantially preventing permanent damage to follicles of the hairs, the electromagnetic radiation being selected in accordance with selected properties of the skin to be treated, selected properties being determined by a sensor measuring a reflection from the skin of the emitted radiation.”

Applicants respectfully submit that claim 11 is allowable for at least the same reasons given above with respect to claim 1. Because claims 12-14 depend from, and therefore include all the limitations of claim 11, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Claims 9-10 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Anderson in view Altshuler '314, and in further view of U.S. Patent Appl. No. 2003/0032950 to Altshuler et al. (hereinafter "Altshuler '950"). (See 01/09/2009 Office Action p. 3-4).

Altshuler '950 describes embodiments where "one or more thermal sensors 524 (e.g., a thermocouple, a thermistor) may be used to monitor the temperature indicative of a patient's skin (e.g., the temperature at the interface of an optical system 520 and electrode 516) for use in a cooling system as described below." (See Altshuler '950, p. 6, para. 0092). Thermocouples and thermistors operate by detecting radiant heat from the surface of the skin. Altshuler '950 does not describe a "control means selects the maximum value in accordance with selected properties of the skin to be treated, selected properties *being determined by a sensor measuring a reflection from the skin of the emitted radiation.*" as recited in claim 1.

As discussed above, Anderson and Altshuler '314 do not disclose the teachings of claim 1. Applicants respectfully submit that Altshuler '950 does not cure the afore-mentioned defects of Anderson or Altshuler '314 with respect to claim 1. Therefore, because claims 9-10 contain all the limitations of claim 1, Applicants respectfully submit that claims 9-10 are allowable for at least the same reasons as discussed with respect to claim 1 above.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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